

[PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 22-13315

CONSUMERS' RESEARCH,
CAUSE BASED COMMERCE, INC.,
EDWARD J. BLUM,
KERSTEN CONWAY,
SUZANNE BETTAC, et al.,

Petitioners,

versus

FEDERAL COMMUNICATIONS COMMISSION,
UNITED STATES OF AMERICA,

Respondents,

BENTON INSTITUTE FOR BROADBAND & SOCIETY, et al.,

Intervenors.

Petition for Review of a Decision of the
Federal Communications Commission
Agency No. 96-45

On pages 15–16 of Judge Newsom’s concurrence, the text is changed from “Emphasizing the Court’s rationale there, at least two commentators have described *Carter Coal* as turning, fundamentally, on the due process concerns that attend allowing one private, self-interested party to harness the coercive power of the state to regulate others. *See* Eugene Volokh, *New Private-Regulation Skepticism: Due Process, Non-Delegation, and Antitrust Challenges*, 37 Harv. J. L. & Pub. Pol’y, 932, 980–81 (2014); *see also* Alexander Volokh, *The Myth of the Federal Private Nondelegation Doctrine*, 99 Notre Dame L. Rev. 203, 257 (2023)” **to** “Emphasizing the Court’s rationale there, at least one commentator has described *Carter Coal* as turning, fundamentally, on the due process concerns that attend allowing one private, self-interested party to harness the coercive power of the state to regulate others. *See* Alexander Volokh, *New Private-Regulation Skepticism: Due Process, Non-Delegation, and Antitrust Challenges*, 37 Harv. J. L. & Pub. Pol’y 931, 980–81 (2014); *see also* Alexander Volokh, *The Myth of the Federal Private Nondelegation Doctrine*, 99 Notre Dame L. Rev. 203, 257 (2023).”